



United States Mission to the OSCE

Closing Remarks to the SHDM on Human Rights and the Fight Against Terrorism

As delivered by Robert Harris,
U.S. State Department, Office of the Legal Adviser
to the Supplemental Human Dimension Meeting, Vienna
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Thank you, Mr. Chairman.

While countering terrorism, the United States remains committed to the promotion and protection of human rights and fundamental freedoms. The United States believes that we all must fight radicalism and terror with justice and dignity, to achieve a true peace, founded on human freedom. We recognize that the protection of human rights while countering terrorism is not merely a slogan or a truism, but is something that we, like all countries, must at the most fundamental level take into account and act upon, even when confronting people and organizations that are dedicated to killing our citizens and destroying our societies.

In this context, the United States is grateful to ODIHR and to the Slovenian Chairmanship for convening this meeting. The topic of human rights and the fight against terrorism is not only timely, but of a crucial importance to all 55 participating States. The United States was one of the countries that recommended and supported this topic last year.

In particular, we believe that this event has provided an important and useful opportunity to discuss ways to protect religious freedom during the fight against terrorism, useful observations on the subject of preventing torture and abuse, and methods of outreach to racial, religious and ethnic groups and civil society organizations, both so that these groups have an opportunity to shape and understand government policy, and also as a means of preventing discrimination and terrorism.

The United States thanks all governmental and non-governmental representatives who participated in the discussions at this meeting for sharing their views and experiences. We also thank participants for requesting – and listening to – the United States' responses to some criticisms that were leveled here.

We welcome the opportunity to clarify U.S. policies in the area of human rights and the fight against terrorism. That is why we proactively explained our policies in a side event at the 2004 Human Dimension Implementation Meeting and why we explained them again here today, both in the working sessions and during our session on outreach and prevention of discrimination.

We have noted the brief responses given here by some national participants to criticism of their governments' policies, and we encourage these and other OSCE participating States to consider giving clear and thorough statements at this September's HDIM to explain what

they are doing to implement their OSCE commitments in the fields of religious freedom, preventing torture, and creating space for civil society.

Mr. Moderator, I would like to thank the rapporteurs for their highly impressive efforts to synthesize what were wide-ranging discussions. We will review carefully their syntheses, noting that – of course – the session did not and could not negotiate formal recommendations on behalf of governments.

We do have several recommendations [see below] that we would like submitted for the record and I will submit them in a formal statement. I would thank you, Mr. Chairman, and you, Mr. Moderator, for running a superb event in which we learned a great deal.

Thank you.

U.S. Recommendations to the SHDM on Human Rights and the Fight Against Terrorism

1. All OSCE participating States should adhere to their obligations under international law, including in the fields of religious freedom and non-discrimination, preventing torture, and respecting freedom of association and creating space for the activities of an independent civil society.
2. All perpetrators of violent criminal acts should be prosecuted and held accountable. Terrorists who have committed (or conspired to commit) violent acts should be held accountable. Officials who have committed torture or other criminal abuse should also be held accountable.
3. Participating States should not improperly invoke national security as justification for limiting human rights and fundamental freedoms, including freedom of religion or belief. Here I refer you to our list of recommendations in Session 1.
4. Participating States should adopt policies of proactively reaching out to racial, religious and ethnic minorities and civil society organizations and to work with them to combat terrorism and to prevent discrimination.
5. Participating States should train law enforcement officers and other officials to respect cultural and religious diversity, both as a means of preventing discrimination and racial/religious profiling, and as a means of preventing torture and cruel, inhuman or degrading treatment of detainees.
6. When abuses occur, participating States should act quickly to determine what went wrong, to bring perpetrators to justice, and to develop steps to prevent abuses in the future.
7. Finally, ODIHR should continue its fine work of assisting participating States to implement their commitments, through programs in the areas of legislative and judicial reform, training of magistrates, and monitoring trials and places of detention.